

QUESTIONS AND ANSWERS FOR SUPERVISORS ON GEAC STEWARD REPRESENTATION

This information is provided to answer questions and assist management in matters relating to the Governor's Employee Advisory Council (GEAC) and working with union stewards when they raise concerns on behalf of their represented employees. As always, managers should consult with their appointing authority or named GEAC representative when questions arise.

What is the purpose of the Governor's Employee Advisory Council (GEAC)?

The Council shall meet to forward recommendations to the Governor relating to wages, hours, and other terms and conditions of employment including but not limited to:

- Compensation and incentive plans, policies related to employee attendance, leave, and the appointment of state employees;
- Recommendations concerning employee health insurance, life insurance, and other employee benefits and matters concerning grievances and complaints;
- Recommendations of the Governor to the Legislature concerning the terms and conditions of state employment; and
- Such other matters as the Council shall deem appropriate for recommendation and discussion with the Governor.

Where can I find Agreements and Orders which control and relate to the GEAC?

The GEAC was re-established by Executive Order 2008-471 on June 2, 2008. A copy Governor Beshear's Executive Order can be found at the Personnel Cabinet's website at <http://personnel.ky.gov/persadmin/info/geac.htm>.

A Master Agreement was signed by all GEAC employee organizations and Governor Beshear in September 2008. The Agreement acknowledges the GEAC member organizations and sets forth specific terms of agreement relating to GEAC and employment issues. The goal of the Master Agreement is to promote and improve the morale and satisfaction among employees through the collective communication of their concerns and positions. A copy of this Master Agreement can be found at the Personnel Cabinet's website at <http://personnel.ky.gov/persadmin/info/geac.htm>.

Who qualifies for GEAC representation? Are employees required to pay for and join a GEAC union?

Certain non-supervisory classified employees qualify for GEAC representation, despite whether the employee agrees to pay membership dues. This determination is based on an employee's classification and the specific job-related duties and responsibilities of the employee. A list of classifications that qualify for GEAC, including the unit designation and the union that represents them is posted on the Personnel Cabinet's website at <http://personnel.ky.gov/persadmin/info/geac.htm>.

Membership Information

Membership dues with GEAC unions are completely voluntary. Membership dues will only be deducted from an employee's pay once written permission is received from the employee using the Personnel Cabinet's payroll deduction form. The employee may cancel the deduction of dues at any time. There is no "fair share" requirement in which all employees must pay union service fees.

Additionally, the GEAC is not "collective bargaining," rather it is an advisory council to the Governor.

Contact Information

The names of all employees who qualify for representation were provided to the GEAC union which represents the employee's category unit. **No home addresses or other personal or confidential information of an employee was provided to the GEAC union by the Personnel Cabinet.** If an employee is contacted by a GEAC union representative at home and does not desire to be contacted at home, the employee should notify the union representative at that time and may also contact the GEAC hotline at GEAC.Hotline@ky.gov. Solicitation of membership by GEAC unions cannot interfere with workplace operations and solicitation often will take place outside of work hours.

Freedom from Discrimination

No employee or person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified services, or in any way favored or discriminated against with respect to employment in the classified services because of membership or involvement in any elected employee organization. Nor shall any employee be harassed in any manner because of his/her level of support of a union.

If I am contacted by a GEAC union representative who wishes to come talk with employees during work at the worksite, what do I do?

Prior to access to state facilities, GEAC member organizations shall contact the agency's GEAC representative and request access in writing on official organization letterhead. Such a request must be made at least 24 hours in advance of the requested access time and date. If access is denied, in accordance with the GEAC access policy listed on the personnel cabinet GEAC website, the reasons shall be provided to the GEAC member organization in writing.

The representatives of the GEAC member organizations are entitled to access of the non-secure common areas of state agencies for the purpose of talking to and distributing literature to employees. "Common areas" may include main entrances and exits, cafeterias, break rooms, parking lots, outdoor walkways, conference rooms, and other similar areas depending on the operations and layout of the worksite. GEAC member organizations should be treated equally like all other organizations that visit worksites to meet with employees.

These activities shall not interfere with normal operations, business, and security. Employees should meet with employee organizations during lunch, breaks, or using non-work time. It is recognized that some worksites may not be able to accommodate meetings during non-business hours and that local management will use their best efforts to coordinate meetings. Of note, any gifts or meals provided to an employee must be in compliance with the Executive Branch Ethics requirements and can not exceed \$25 in value within one year.

While on site, GEAC member organizations shall not disrupt work operations and shall conform to worksite safety and security regulations. Access to some locations, such as prisons, juvenile facilities, Department for Community Based Services (DCBS) offices, and MH/MR facilities, Military facilities, may be limited due to security and confidentiality concerns. GEAC member organizations are required to remain in the agreed upon location and cannot roam throughout the worksite. If your worksite typically requires all non-employees to sign in or have background checks completed prior to admittance, GEAC members shall also comply with typical worksite protocol.

For more information on the access policy and additional issues, please refer to the Building Access Policy and the Master Agreement, Article 5 on the Personnel Cabinet's website at <http://personnel.ky.gov/persadmin/info/geac.htm>.

What is a GEAC Steward and who qualifies to be a Steward?

A Steward is a classified state employee whose job classification is covered by one of the GEAC's certified employee categories/units and has been designated by a GEAC Employee Organization (Union) to assist other employees in a category unit.

Unions also may designate their paid staff to act in the role of a Steward. Stewards or other union staff who have been designated by their GEAC union should be recognized as employee representatives by an agency.

NOTE: Please download and read the document, *"Union Steward and Management Rights, Roles & Responsibilities"* for more detailed instructions on Steward representation.

Where can I get a list of GEAC Stewards?

Attached is an updated list of all GEAC Stewards or union representatives. Please see <http://personnel.ky.gov/persadmin/info/geac.htm>.

Additionally, each agency has named a GEAC representative. An agency's GEAC representative or appointing authority is available for further consultation. If you have additional questions, please contact the Personnel Cabinet's Agency GEAC Liaison at (502) 564-7430.

No Steward acting on behalf of an employee organization shall be subjected to retaliatory action for providing service pursuant to the GEAC agreements.

Do classified employees who serve as GEAC Stewards receive paid leave time and/or other state compensation for the purpose of assisting classified employees?

Under Article 12 of the Master Agreement,

"A Steward shall be allowed up to fifteen (15) hours per month without loss of pay during working hours to attend grievance hearings, labor/management meetings, and grievance investigations. The Steward shall request the time as far in advance as possible and Appointing Authorities and supervisors shall be encouraged to grant this time under these circumstances unless the Steward's absence would unduly burden the operations of the agency."

Paid Steward leave should not be approved after an employee has exhausted their fifteen (15) hour per month limit.

Pursuant to Article 13 of the Master Agreement, a Steward may request the use of accumulated annual or compensatory leave balances for non-Steward leave. Agencies are encouraged to grant leave under these circumstances, unless the absence of the employee would unduly burden the operations of the agency.

In addition, Article 12 (5)(d) of the Master Agreement states:

“The Commonwealth will not pay overtime compensation or allow for the accrual of compensatory time off to Stewards for time spent on activities described in this Agreement. The Commonwealth will not pay for any travel expenses or subsistence expenses incurred by Stewards for time spent on activities described in this Agreement.”

May Employees use work time to prepare a grievance or Personnel Board appeal?

No. The Kentucky Executive Branch Ethics Commission has issued an advisory opinion (Opinion 93-21) that states:

“the Commission is of the opinion that all four activities (viz., using state office equipment and supplies to prepare a grievance on state time, using the state telephone to gather information in support of a grievance, appeal or complaint on state time, using the state telephone to consult with an attorney in regards to a grievance, complaint or appeal on state time and using the state's equipment and supplies in regards to inquiries relating to employment and employment status) present a violation of KRS 11A.020(1)(d),”

Therefore an employee must use annual leave time or compensatory time to prepare a grievance or Personnel Board appeal.

What do I do if an employee I supervise notifies me that they are a GEAC Steward and requests leave to assist another employee?

First, check the Authorized Steward List to see if the employee under your supervision is indeed an authorized Steward.

Pursuant to the Master Agreement, requests by Stewards for leave to assist other employees shall be granted “unless the Steward’s absence would unduly burden the operations of the agency.” Please see the section above for more specific information on Steward leave, including the amount of paid Steward leave that is available for Stewards.

As with similar leave requests (such as voting leave, blood donation, etc.), the Steward shall provide appropriate Steward leave documentation. This documentation will be provided to the Stewards by the agencies and, upon execution, shall certify the amount of time spent on Steward leave.

No Steward acting on behalf of an employee organization shall be subjected to retaliatory action for providing service pursuant to the GEAC agreements.

For more information on Steward leave, including the payroll coding, leave forms, and specific requests, please contact Mary Elizabeth Harrod, Director of the Division of Employee Management, at (502) 564-6464.

As a manager, are my managerial rights limited by the GEAC?

No. The Commonwealth has specifically reserved all statutory and regulatory rights and duties to manage the workforce. All statutory, regulatory and inherent management rights, prerogatives, and functions are retained and vested exclusively in the Commonwealth. These include the right

- To reprimand, suspend, demote, fine, discharge, or otherwise discipline employees for cause;
- To determine the number of employees to be employed;
- To hire employees, determine their qualifications, and assign and direct their work;
- To promote, demote, transfer, lay off, recall to work, and retire employees;
- To set the standards of productivity, the products to be produced, and/or services to be rendered;
- To determine the amount and forms of compensation for employees;
- To maintain the efficiency of operations;
- To determine the personnel, methods, means, and facilities by which operations are conducted;
- To set the starting and quitting time and the number of hours and shifts to be worked;
- To assign flexible hours, shift rotation, "on call" and "call back" rotations, and overtime, and to take personnel actions such as promotion and transfer, based on legitimate business considerations that are designed to serve the best interests of the agency and the taxpayers in the most efficient, economical, and effective manner. The considerations include, but are not limited to, comparisons of:
 - Seniority,
 - Qualifications,
 - Records of Performance, and
- Conduct. -To use independent contractors to perform work or services; -To subcontract, contract out, close down, or relocate the Commonwealth's operations or any part thereof;
- To expand, reduce, alter, combine, transfer, assign or cease any job, department, operation or service;
- To control and regulate the use of machinery, facilities, equipment, and other property of the Commonwealth;
- To introduce new or improved research, production, service, distribution and maintenance methods, materials, machinery, and equipment; to determine the number, location, and operation of departments, divisions and all other units of the Commonwealth;
- To issue, amend, and revise policies, rules, regulations and practices, and to take whatever action is either necessary or advisable to determine, manage, and fulfill the mission of the Commonwealth and to direct the Commonwealth's employees.

Do I need to notify the GEAC of changes in the workplace?

Yes, if there is a proposal to change an official, written work rule, or operating procedure, which would affect a Category Unit of employees, the GEAC organization which is affected should be notified pursuant to the Master Agreement.

For questions on whether a change in the workplace qualifies as a “work rule change,” please contact your appointing authority or agency’s GEAC representative.